

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE, WSBA 32245
Associate General Counsel
Office of Program Litigation, Office 7
Social Security Administration
L. Jamala Edwards, OR 010369
Special Assistant United States Attorney
6401 Security Boulevard
Baltimore, MD 21235
Telephone: (206) 615-2732
E-Mail: Jamala.Edwards@ssa.gov

Attorneys for Defendant

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

DONNIE LEE RECTOR,)	CIVIL NO. 1:23-cv-00384-SKO
Plaintiff,)	
v.)	STIPULATION AND UNOPPOSED
KILOLO KIJAKAZI,)	MOTION TO VOLUNTARY REMAND
Acting Commissioner of Social Security,)	PURSUANT TO SENTENCE FOUR OF 42
Defendant.)	U.S.C. § 405(g) AND TO ENTRY OF
)	JUDGMENT; ORDER
)	(Doc. 12)

The parties, acting through their respective counsel, hereby stipulate and agree that the above-captioned case be reversed and remanded. Upon remand, the Appeals Council will instruct an Administrative Law Judge (ALJ) to issue a new decision and instruct the ALJ to re-evaluate the evidence of record. The parties agree that reasonable attorney fees will be awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412, upon proper request to the Court.

1 The parties further request that the Court direct the Clerk of the Court to enter a final
2 judgment in favor of Plaintiff, and against Defendant, reversing the final decision of the Acting
3 Commissioner.

4 Respectfully submitted this 9th day of June 2023.

5
6
7 Dated: June 9, 2023

/s/ Jonathan Pena

Jonathan Pena

Attorney for Plaintiff

*Authorized via e-mail on X

10 PHILLIP A. TALBERT

11 United States Attorney

12 MATHEW W. PILE

13 Associate General Counsel

Social Security Administration

14 By: /s/ L. Jamala Edwards

L. Jamala Edwards

15 Special Assistant United States Attorney

16 Attorneys for Defendant

17
18
19 **ORDER**

20
21 Based upon the parties' Stipulation and Unopposed Motion to Voluntary Remand
22 Pursuant to Sentence Four of 42 U.S.C. § 405(g) and to Entry of Judgment (Doc. 12), and for
23 cause shown, IT IS ORDERED that the above-captioned action is remanded to the Acting
24 Commissioner of Social Security for further proceedings pursuant to the Social Security Act §
25 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will
26 remand the case to an administrative law judge for a new decision in accordance with the parties'
27 Stipulation.
28

1 The Clerk of Court shall enter a final judgment in favor of Plaintiff, and against Defendant,
2 vacating and reversing the final decision of the Commissioner and thereafter close this case.

3
4 IT IS SO ORDERED.

5 Dated: **June 9, 2023**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE